

Message Text

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FM AMEMBASSY VIENTIANE
TO SECSTATE WUSHDC 8336
INFO AMEMBASSY BANGKOK

C O N F I D E N T H A L VIENTIANE 1065

E.O. 11652: GDS
TAGS: BDIS LA
SUBJECT: AMCIT GOLDMACHER'S CLAIM TO 200 SHARES IN POUN SOUK
COMPANY

REF: VIENTIANE 0884

1. IN A LETTER TO THE EMBASSY AMCIT ARTHUR GOLDMACHER
EXPRESSED HIS DISSATISFACTION WITH THE LAO MINISTRY OF
FOREIGN AFFAIRS' DIPLOMATIC NOTE NO. 240 (MAY 27, 1977)
BECAUSE IT CLAIMED THAT "...THE SO-CALLED TRANSFER OF
200 SHARES (OF POUN SOUK COMPANY) WAS FABRICATED BY
MR. PHOUANG SANANIKONE AND MR. ARTHUR B. GOLDMACHER
WITH THE COMPLICITY OF A LAWYER IN VIENTIANE, WITHOUT
THE KNOWLEDGE OF THE BOARD OF DIRECTORS AND OTHER
COMPANY SHAREHOLDERS" (REFTEL). GOLDMACHER ENCLOSED A
COPY OF A NOTARIZED DOCUMENT IN FRENCH RELATING TO THE
1974 TRANSFER TO HIM OF 200 SHARES BELONGING TO
SEVERAL PHOUN SOUK COMPANY DIRECTORS. HE NOTED THAT
THE DIRECTORS SIGNED THE DOCUMENT AND THAT IT WAS
PROPERLY REGISTERED AND RECORDED IN COURT ACCORDING TO
LAO LAW EXISTING AT THAT TIME.

2. ALTHOUGH THE EMBASSY ENCLOSED A COPY OF THIS AND
OTHER DOCUMENTS SUPPORTING GOLDMACHER'S LEGAL CLAIM TO
OWNERSHIP OF 200 SHARES IN DIPLOMATIC NOTE NO. 672
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TO THE MFA FOR CONSIDERATION, GOLDMACHER WOULD LIKE THE
EMBASSY TO RESUBMIT THEM AS EVIDENCE THAT THE TRANSFER
WAS CONDUCTED ACCORDING TO LAO LAW THAT EXISTED IN
1974. HE SAID THAT THE LPDR MFA "CONVENIENTLY OVER-
LOOKED THE FACT" THAT THE TRANSFER WAS IN ACCORDANCE
WITH LAO LAW IN ITS DIPLOMATIC NOTE NO. 240 AND THAT
ITS CHARGE THAT HE FABRICATED THE TRANSFER WAS UNTRUE.

GOLDMACHER ASKED THE EMBASSY TO "CONTINUE TO PRESS FOR A MORE SUITABLE ANSWER FROM THE LAO GOVERNMENT" WITH RESPECT TO HIS EFFORTS TO BE RECOGNIZED AS A SHAREHOLDER OF THE POUN SOUK COMPANY.

3. COMMENT: EMBASSY SUBMITTED DIPLOMATIC NOTE NO. 672 REQUESTING THE LPDR UNDERTAKE TO ESTABLISH THE LEGAL STATUS OF THE 200 SHARES AND THE STATUS OF MR. GOLDMACHER'S CLAIM TO BE A SHAREHOLDER IN THE POUN SOUK COMPANY DECEMBER 29, 1975. THE MFA ONLY RESPONDED MAY 26, 1977. THE LAO LAWYER AND PUBLIC NOTARY PHAYKHAM SANKHAVICHITH, WHO NOTARIZED AND FILED THE DOCUMENT THAT RECORDED THE TRANSFER OF THE 200 SHARES, LEFT THE LPDR MARCH 1977 AND CAN NO LONGER BE CALLED UPON TO TESTIFY THAT THE TRANSACTION WAS INDEED IN ACCORDANCE WITH LAO LAW EXISTING AT THAT TIME. HOWEVER ARBITRARY AND UNFAIR ITS ACTION, WE SUSPECT THE LPDR PROVIDED ITS FINAL RULING ON THIS CASE IN ITS DIPLOMATIC NOTE NO. 240 (REFTEL). WE COULD SEND ANOTHER NOTE TO THE FOREIGN MINISTRY PRESENTING MR. GOLDMACHER'S REACTION TO THE LAO NOTE OF MAY 27, 1977. WE BELIEVE ON THE BASIS OF LPDR (AND PGNU) PERFORMANCE TO DATE THAT THIS WOULD SERVE ONLY TO REBUT FOR THE RECORD THE LPDR ALLEGATION OF A FABRICATED TRANSFER (PARA 3 REFTEL).

ACTION REQUESTED: DEPARTMENT'S INSTRUCTIONS.

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